IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 36429 of 2007(S)

PETITIONER:

T.P.NANDAKUMAR,
AGED 42 YEARS,
S/O.K.DAMODARAN NAIR,
CHIEF EDITOR, “CRIME”,
PUTHIYA ROAD, CALICUT-4.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SMT.RANI DIOTHIMA

RESPONDENTS:
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1. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO DEPARTMENT OF PERSONNEL & TRAINING, NEW DELHI. (DELETED).

2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM. (DELETED).

(RESPONDENTS 1 AND 2 ARE DELETED FROM THE ARRAY OF RESPONDENTS AS PER ORDER DATED 10-12-2007).

3. THE DIRECTOR,
CENTRAL BUREAU OF INVESTIGATION,
C.G.O. COMPLEX, LODHI ROAD,
NEW DELHI- 110003.

4. SRI.P.ASHOK KUMAR,
DEPUTY SUPERINTENDENT OF POLICE,
CBI OFFICE,
CHENNAI.

BY SENIOR GOVERNMENT PLEADER SMT. K.MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.M.JOSEPH, J.

W.P.(C). No.36429 of 2007-S

Dated, this the 10th day of December, 2007

JUDGMENT

H.L.Dattu, C.J.

In our opinion, respondents 1 and 2 are wholly unnecessary parties for this litigation. Therefore, they are deleted from the array of respondents.

(2). The petitioner is a public spirited citizen and also a tax payer. In this petition filed under Article 226 of the Constitution, the main relief sought for by the petitioner, is to direct respondents 3 and 4 to expedite the investigation in SNC Lavalin case and to complete the same within a particular time limit. The other relief sought for in the writ petition is to monitor the investigation by this Court.

(3). In our opinion, none of the reliefs sought for by the petitioner can be granted by us.

(4). In the petition filed, the petitioner has not stated anything with regard to the progress made by the CBI as directed by this Court in Lavalin's case. Before approaching this Court, in our opinion, the petitioner ought to have collected necessary information with regard to the progress made in the investigation and it is only thereafter could have complained any tardiness, if any, in the investigation by investigating agency. Petitioner without any supporting material in support of his assertion and allegation made in the

petition, cannot request this Court for the reliefs indicated by us earlier. In our view, on bald assertions, this Court is not expected to exercise its discretionary and extraordinary jurisdiction. Therefore, we are of the opinion that the petition filed need not be entertained by us and accordingly we reject the petition.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

MS/DK